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The Honorable Edward F. Shea

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAY 29 2002

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

9 Attorneys for Defendants Watchtower
10 and Othello (North) Spanish Congregation

11 **UNITED STATES DISTRICT COURT FOR THE**
12 **EASTERN DISTRICT OF WASHINGTON**

13 ERICA RODRIGUEZ, a single)
14 person,)

15 Plaintiff,)

16 vs.)

17 WATCHTOWER BIBLE and)
18 TRACT SOCIETY OF NEW YORK,)
19 INC., a New York corporation;)
20 OTHELLO SPANISH)
21 CONGREGATION OF)
22 JEHOVAH'S WITNESSES, an)
23 unknown legal entity; and MANUEL)
24 BELIZ, individually and on behalf of)
25 his marital community,)

26 Defendants.)

No. CS-02-0030-EFS

**DECLARATION OF
DONALD G. STONE IN
SUPPORT OF
DEFENDANTS' MOTION
FOR AN AMENDMENT OF
THE MAY 20TH ORDER TO
INCLUDE COSTS AND
ATTORNEY'S FEES**

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28
29 DECLARATION OF DONALD G. STONE IN
30 SUPPORT OF DEFENDANTS' MOTION FOR
AN AMENDMENT OF THE MAY 20TH ORDER
TO INCLUDE COSTS AND ATTORNEY'S
FEES - 1

PAINE, HAMBLIN, COFFIN, BROOKE & MILLER LLP
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1 DONALD G. STONE declares:

2 1. I am one of the attorneys for the Defendants in the above-captioned
3
4 action.

5 2. Plaintiff filed an action in federal court claiming subject matter
6
7 jurisdiction based on federal question under the statutes 28 U.S.C. § 1343 (2), (3),
8
9 and (4), and 20 U.S.C. § 1861, et. seq. Defendants brought a Motion to Dismiss
10 for Lack of Subject Matter Jurisdiction because the statutes asserted for
11
12 jurisdiction by Plaintiff's counsel in the original Complaint were not warranted by
13 law under the facts presented.

14 3. Plaintiff's counsel replied to Defendants' Motion to Dismiss with a
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16 concession that the jurisdiction was improperly pled and with a Motion to Amend
17
18 the Complaint to instead base federal jurisdiction on diversity of parties.
19 Defendants sought terms of costs and attorney's fees incurred in bringing the
20
21 Motion to Dismiss.

22 4. In an Order filed on May 20, 2002, the Court presented an Order
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24 granting defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction
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26 and denying Plaintiff's Motion for Leave to Amend. The Order was, however,

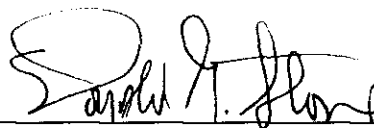
1 silent as to Defendants' requests for costs and attorney's fees incurred in bringing
2 the Motion to Dismiss.
3

4 5. The reasonable expenses and attorney's fees incurred in responding to
5 the improperly pled Complaint, were as follows: Fees in excess of \$5,980.00
6 (hours in excess of 33.75), together with Westlaw charges of \$409.69.
7

8 6. Defendants now seek an amendment of the Order under Civil Rule
9 52(b) to address the issue of terms against Plaintiff's counsel, but not as against
10 Ms. Rodriguez, for the costs and attorney's fees incurred by the Defendants in
11 bringing and prevailing in the Motion to Dismiss due to the Plaintiff's counsel's
12 improper claim of jurisdiction.
13
14
15

16 I declare under penalty of perjury under the laws of the State of Washington
17 that the foregoing is true and correct to the best of my knowledge.
18

19 DATED at Spokane, Washington, this 29th day of May, 2002.
20

21 
22

23 DONALD G. STONE
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CERTIFICATE OF SERVICE

I certify that on this 29th day of May, 2002, a true and correct copy of the foregoing **DECLARATION OF DONALD G. STONE IN SUPPORT OF DEFENDANTS' MOTION FOR AN AMENDMENT OF THE MAY 20TH ORDER TO INCLUDE COSTS AND ATTORNEY'S FEES**, was caused to be served as indicated below and addressed as follows:

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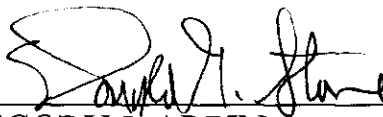
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GREGORY J. ARPIN
DONALD G. STONE

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ORDER GRANTING COSTS AND
ATTORNEY'S FEES - 4

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